

Message Text

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FM SECSTATE WASHDC
TO OAU COLLECTIVE IMMEDIATE

C O N F I D E N T I A L STATE 142174

FOLLOWING TELEGRAM FROM USUN NEW YORK DATED JUNE 16, 1977
SENT SECSTATE WASHDC, ADDIS ABABA INFO BONN, LONDON,
OTTAWA, PARIS, PRETORIA, CAPE TOWN IS REPEATED TO YOU: QUOTE

C O N F I D E N T I A L USUN 1964

DEPT PLEASE REPEAT "INFO IMMEDIATE" TO OAU COLLECTIVE.

CAPE TOWN FOR EMBASSY

E. O. 11652: GDS
TAGS: PFOR, US, UN, SF, WA
SUBJECT: TALKING POINTS ON NAMIBIA FOR OAU MEMBERS AND OTHERS

REF: (A) USUN 1939 (B) ADDIS ABABA 3771 (C) SECSTATE 139749(NOTAL)
(D) CAPE TOWN 0969

1. WESTERN FIVE MET MORNING OF JUNE 17 TOPPREPARE TALKING
POINTS FOR OAU MEMBERS AND "OTHERS" ON CAPE TOWN TALKS ON
NAMIBIA. GROUP, ALSO AGREED TO SUGGESTION REFS B AND C THAT
FRG AMBASSADOR IN ADDIS ABABA BRIEF OAU SYG ETEKI ALONG
LINES OF REF D AS SOON AS POSSIBLE. (IN VIEW OF URGENCY, USUN
REPEATING REF D TO ADDIS ABABA.)
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2. IT IS EXPECTATION OF FIVE, SUBJECT TO INSTRUCTIONS FROM
CAPITALS, THAT BRIEFINGS BE CARRIED OUT BY WESTERN FIVE
CHIEFS OF MISSION IN CAPITALS OF ALL OAU MEMBERS STATES AS
SOON AS POSSIBLE AND PRIOR TO DEPARTURE OF TOP LEVEL
OFFICIALS TO OAU SUMMIT CONFERENCE. PURPOSE OF BRIEFINGS
IS TO ENSURE THAT ALL DELEGATIONS AT OAU SUMMIT ARE AWARE
OF PROGRESS OF CAPE TOWN TALKS, SO THAT IF, AS SEEMS
LIKELY, NAMIBIA IS DISCUSSED AT SUMMIT, OAU STATES WILL SUPPORT
WESTERN FIVE EFFORTS.

3. FYI: ALTHOUGH THIS POINT NOT SPECIFICALLY DISCUSSED
AMONG FIVE IN NEW YORK, IT IS OUR ASSUMPTION THAT WESTERN FIVE
DOES NOT REPEAT NOT WANT BRIEFINGS TO AROUSE ANY STRONG
PUBLIC REACTIONS TO THE TALKS. END FYI.

4. FOLLOWING IS TEXT AGREED UPON IN NEWYORK BY THE FIVE
FOR SUBMISSION TO CAPITALS:

QUOTE

1. AS YOU KNOW, REPRESENTATIVES OF CANADA, FRANCE, FEDERAL
REPUBLIC OF GERMANY, UNITED KINGDOM AND THE UNITED STATES HELD
DISCUSSIONS ON CAPE TOWN ON 27-29 APRIL AND 8-10 JUNE WITH THE
SOUTH AFRICAN GOVERNMENT. THE THRUST OF THE TALKS WAS TO
EXPLORE MEANS TO REALIZE THE GOAL OF AN INDEPENDENT NAMIBIA
CONSISTENT WITH THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 385.

THE CONTACT GROUP OF FIVE MADE IT CLEAR THAT RESOLUTION 385
PROVIDED THE MOST ACCEPTABLE BASIS FOR A SETTLEMENT OF THE NAMIBIA
QUESTION AND THAT ANY SOLUTION MUST BE CONSISTENT WITH THE
RESOLUTION.

2. AGREEMENT WAS REACHED ON A NUMBER OF POINTS DURING THE
FIRST ROUND OF TALKS:

A) ELECTIONS: THERE WOULD BE ELECTIONS, ON THE BASIS OF
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UNIVERSAL SUFFRAGE, FOR A CONSTITUENT ASSEMBLY WHOSE TASK IT WOULD
BE TO DECIDE UPON THE CONSTITUTION FOR AN INDEPENDENT NAMIBIA.
VOTING WOULD BE BY SECRET BALLOT WITH PROVISION TO ENABLE FULL
PARTICIPATION BY INDIVIDUALS WHO CANNOT READ OR WRITE. ALL PERSONS
AND ALL POLITICAL PARTIES, REGARDLESS OF POLITICAL VIEWS, WOULD
BE FREE TO PARTICIPATE PEACEFULLY IN THE PROCESS OF POLITICAL
CAMPAIGNING AND THE ELECTIONS. THERE WOULD BE FREEDOMS OF SPEECH,
PRESS AND ASSEMBLY.

B) RETURNEES: ALL PERSONS BORN IN OR RECOGNIZED AS
INHABITANTS OF NAMIBIA WHO ARE NOT NOW IN NAMIBIA WILL BE FREE TO
RETURN AND PARTICIPATE PEACEFULLY IN THE POLITICAL PROCESS.

3. THE ELEMENTS OF WHAT MIGHT BECOME AN INTERNATIONALLY
ACCEPTABLE SOLUTION WERE EXPLORED IN GREATER DETAIL DURING THE
SECOND ROUND.

4. NATURE OF TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS:

IN THE FIRST ROUND, THE SOUTH AFRICAN GOVERNMENT PROPOSED TO
ENACT THE TURNHALLE CONSTITUTION, AND TO SET UP AN INTERIM GOVERN-
MENT CONSISTENT WITH IT. THE CONTACT GROUP MADE CLEAR THAT THIS
WAS NOT ACDEPTABLE.

IN THE SECOND ROUND THE SOUTH AFRICAN GOVERNMENT PROPOSED THE
ESTABLISHMENT OF ADMINISTRATIVE ARRANGEMENTS WHICH WOULD HAVE

BEEN HEAVILY DOMINATED BY THE TURNHALLE PARTICIPANTS. THE CONTACT GROUP STRESSED THAT ANY TRANSITIONAL ARRANGEMENT SHOULD NOT PREJUDICE OR APPEAR THE PREJUDICE THE OUTCOME OF THE POLITICAL PROCESS AND THAT IT SHOULD NOT BE BASED PREDOMINANTLY ON ETHNIC CONSIDERATIONS.

IN THE FACE OF THIS REACTION THE SOUTH AFRICAN GOVERNMENT DID NOT PRESS ARRANGEMENT WHICH WERE IN ANY WAY BASED ON OR RELATED TO TURNHALLE. IT WAS THEN PROPOSED THAT THERE SHOULD BE AN ADMINIST-RATOR-GENERAL TO ADMINISTER THE TERRITORY DURING THE TRANSITIONAL PERIOD. HE AND HIS STAFF WOULD BE IMPARTIAL ADMINISTRATORS AND CONFIDENTIAL

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WOULD NOT EMPLOY TURNHALLE OR ANY OTHER POLITICAL GROUPING IN AN INSTITUTIONAL FASHION.

5. UN INVOLVEMENT:

IN THE FIRST ROUND, THE SOUTH AFRICAN GOVERNMENT CAME TO ACCEPT THE PRINCIPLE OF UN INVOLVEMENT. IT WAS UNDERSTOOD THAT THE UN WOULD AT ALL STAGES HAVE TO BE SATISFIED AS TO THE FAIRNESS OF THE POLITICAL PROCESS AND THAT ITS PRESENCE WOULD BE UNDER THE DIRECTION OF A SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL. IN THE SECOND ROUND, THE SOUTH AFRICAN GOVERNMENT ACKNOWLEDGED THE ADMINISTRATOR-GENERAL WOULD HAVE TO COOPERATE WITH THE UN SPECIAL REPRESENTATIVE.

6. IT WAS RECOGNIZED THAT THE DETAILS OF THE UN ROLE WILL HAVE TO BE WORKED OUT WITH THE UN SECRETARY-GENERAL. THE CONTACT GROUP, HOWEVER, OUTLINED ITS PRELIMINARY VIEWS TO THE SOUTH AFRICAN GOVERNMENT ON THE FOLLOWING LINES:

A) THE UN PRESENCE SHOULD BEGIN AT THE EARLIEST POSSIBLE STAGE IN THE TRANSITIONAL PROCESS AND COULD INVOLVE A SUBSTANTIAL NUMBER OF PERSONS; THE NUMBER WOULD BE DETERMINED BY THE REQUIREMENTS OF THE TASK. THESE PERSONS WOULD BE RESPONSIBLE TO THE UN SECRETARY-GENERAL AND HIS SPECIAL REPRESENTATIVE IN NAMIBIA.
B) THE UN SPECIAL REPRESENTATIVE, ASSISTED BY HIS STAFF, WOULD HAVE THE RESPONSIBILITY OF SATISFYING HIMSELF AS TO THE FAIRNESS AND NON-DISCRIMINATORY NATURE OF THE LEGISLATION WHICH PROVIDES FOR THE ELECTORAL PROCESS; THE IMPARTIALITY OF THE ADMINISTRATION; AND THE CONDUCT OF THE ELECTORAL CAMPAIGN, THE REGISTRATION OF VOTERS AND THE POLLING. HE WOULD ALSO INSURE THAT THERE WAS NO INTIMIDATION FROM ANY QUARTER.

7. REPEAL OF DISCRIMINATORY AND RESTRICTIVE LAWS AND REGULATIONS: IT WAS AGREED THAT THE UN SPECIAL REPRESENTATIVE WILL HAVE TO BE SATISFIED THAT ALL DISCRIMINATORY AND RESTRICTIVE LAWS AND REGULATIONS HAVE BEEN REMOVED.

8. DETAINEES AND POLITICAL PRISONERS:
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THE CONTACT GROUP RESTATED ITS VIEW THAT ALL NAMIBIANS WHEREVER HELD AS DETAINEES AND POLITICAL PRISONERS SHOULD BE RELEASED SO THAT THEY CAN PARTICIPATE IN THE POLITICAL PROCESS. THE SOUTH AFRICAN GOVERNMENT ACCEPTED THIS PRINCIPLE AND AGREED THAT ANY DISPUTES AS TO WHO IS A POLITICAL PRISONER COULD BE DECIDED BY A PANEL OF JURISTS APPOINTED BY THE UN SECRETARY-GENERAL. THE SOUTH AFRICAN GOVERNMENT STATED THAT IT WOULD RELEASE NAMIBIA DETAINEES, PROVIDED NAMIBIANS DETAINED IN OTHER COUNTRIES WERE ALSO RELEASED. THE CONTACT GROUP REITERATED ITS VIEW THAT ALL PRISONERS SHOULD BE RELEASED BUT MADE CLEAR THAT THE RELEASE OF SUCH PERSONS IN ONE COUNTRY SHOULD NOT BE CONTINGENT ON THE RELEASE OF PERSONS HELD ELSEWHERE.

9. TRANSFER OF POWER AND WITHDRAWAL OF ELEMENTS OF AUTHORITY:
THE CONTACT GROUP MADE IT CLEAR THAT IT WOULD BE NECESSARY FOR THE SOUTH AFRICAN GOVERNMENT TO DRAW UP PLANS FOR A PHASED TRANSFER OF POWER/WITHDRAWAL WHICH MIGHT TAKE PLACE PROGRESSIVELY THROUGHOUT THE TRANSITIONAL PERIOD. IT WAS AGREED THAT THE UN SPECIAL REPRESENTATIVE WOULD HAVE TO BE KEPT CLOSELY INFORMED OF ALL PHASES OF THE PLANS, AND THAT THE WITHDRAWAL MUST BE COMPLETED BY INDEPENDENCE.

SUPPLEMENTARY QUESTIONS FOR USE IF ASKED:

10. IF ASKED IF THE PHRASE "ALL PERSONS AND ALL PARTIES..."
IN PARA TWO(A) INCLUDES SWAPO:
YES, DEFINITELY.

11. IF ASKED HOW IT COULD BE SAID (IN PARA FOUR) THAT THE ADMINISTRATOR-GENERAL WOULD BE IMPARTIAL:
REFER AGAIN TO THE SENTENCE IN PARA FIVE THAT READS THAT "THE UN WOULD AT ALL STAGES HAVE TO BE SATISFIED AS TO THE FAIRNESS OF THE POLITICAL PROCESS.

12. IF ASKED ABOUT THE LEGAL SITUATION WITHIN SOUTH AFRICA AS
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TO THE ESTABLISHMENT OF THE ADMINISTRATOR-GENERAL:
THE LEGAL BASIS FOR THE ADMINISTRATOR-GENERAL AS THE TRANSITIONAL AUTHORITY WOULD BE AN ENABLING PROVISION ADOPTED BY THE SOUTH AFRICAN PARLIAMENT WHICH WOULD AUTHORIZE THE STATE PRESIDENT TO MAKE LAW BY PROCLAMATION AND TO REPEAL OR AMEND EXISTING LAW, INCLUDING IN PARTICULAR ALL DISCRIMINATORY LEGISLATION. THE DRAFT LEGISLATION WAS PRESENTED TO THE SOUTH AFRICAN PARLIAMENT ON JUNE 10 AND IS EXPECTED TO BE ADOPTED DURING THE WEEK OF JUNE 13-17. THE CONTACT GROUP TOOK THE VIEW THAT THIS NEW PROPOSAL WOULD BE HELPFUL TO THE EXTENT THAT CONTRIBUTES TO THE AIM OF ACHIEVING AN INTERNATIONALLY ACCEPTABLE SOLUTION TO THE NAMIBIAN QUESTION.

13. IF ASKED ABOUT GUARANTEES THAT THE SOUTH AFRICAN POLICE OR MILITARY WOULD NOT INTERFERE IN THE POLITICAL PROCESS:

CONFIRM THAT THE LAST SENTENCE IN PARA SEVEN(B)("HE WOULD ALSO INSURE THAT THERE WAS NOT INTIMIDATION FROM ANY QUARTER") INCLUDES POLICE AND MILITARY FORCES.

14. IF ASKED ABOUT THE ESTABLISHMENT OF REGIONAL GOVERNMENTS FOR THE DAMARAS, HEREROS, TSWANAS AND NAMAS:
THE SOUTH AFRICAN GOVERNMENT STATED THEIR INTENTION TO ESTABLISH SUCH GOVERNMENTS. THE CONTACT GROUP STATED THAT THIS WAS NOT A MATTER WHICH THEY WOULD WISH TO DISCUSS; LOCAL GOVERNMENT WOULD ULTIMATELY HAVE TO BE DECIDED BY THE NAMIBIANS THEMSELVES IN DETERMINING THEIR CONSTITUTION.

15. IF ASKED WHETHER THE SOUTH AFRICAN GOVERNMENT HAVE ACCEPTED UN "SUPERVISION AND CONTROL":
THE ILLUSTRATIVE ARRANGEMENTS MENTIONED ABOVE, WHICH THE SOUTH AFRICAN GOVERNMENT HAVE ACCEPTED IN PRINCIPLE, WOULD WHEN IMPLEMENTED AMOUNT TO STRICT UN SUPERVISION AND CONTROL. IT IS THE SUBSTANCE RATHER THAN THE NAME THAT MATTERS.

16. IF ASKED ABOUT A ROLE FOR THE COUNCIL OF NAMIBIA AND THE COMMISSIONER FOR NAMIBIA:
THIS WAS NOT DISCUSSED. MEMBERS OF THE CONTACT GROUP INTEND ON CONFIDENTIAL

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THEIR RETURN TO NEW YORK TO BE IN TOUCH WITH THE PRESIDENT OF THE COUNCIL FOR NAMIBIA AND THE COMMISSIONER FOR NAMIBIA.

17. IF ASKED ABOUT THE TRANSFER OF NAMIBIAN PRISONERS TO JAILS IN NAMIBIA:
THE CONTACT GROUP ASKED THE SOUTH AFRICAN GOVERNMENT TO MOVE NAMIBIANS DETAINED AND IMPRISONED IN SOUTH AFRICA TO PENAL INSTITUTIONS IN NAMIBIA. THE SOUTH AFRICAN GOVERNMENT RAISED NO OBJECTION TO THIS BUT STATED THAT IT WAS NOT PRACTICAL UNTIL THE COMPLETION OF ADEQUATE FACILITIES IN NAMIBIA. THE CONTACT GROUP STRESSED THE NEED FOR SUCH FACILITIES AS SOON AS POSSIBLE.

18. IF ASKED ABOUT THE WITHDRAWAL OF SOUTH AFRICAN ARMED FORCES BEFORE THE ELECTIONS:
THE IMPORTANT THING IS TO ENSURE THAT THERE IS NO IMPROPER INTERVENTION BY THE ARMED FORCES IN THE ELECTORAL PROCESS. THE SOUTH AFRICAN GOVERNMENT ACCEPTED THAT THERE MUST BE NO INTIMIDATION FROM WHATEVER QUARTER. THE CONTACT GROUP STRESSED THAT ARRANGEMENTS WOULD HAVE TO BE MADE FOR THE UN SPECIAL REPRESENTATIVE TO SATISFY HIMSELF THAT THERE WAS NO INTIMIDATION BY THE ARMED FORCES AND THAT SUCH FORCES AS WERE IN NAMIBIA DURING THE ELECTORAL PROCESS DID NOT IN ANY WAY INTERFERE.

19. IF ASKED ABOUT THE WITHDRAWAL OF SOUTH AFRICAN POLICE BEFORE THE ELECTIONS:
THE IMPORTANT THING IS TO ENSURE THAT THERE IS NO IMPROPER INTERVENTION BY THE POLICE IN THE ELECTORAL PROCESS. THE SOUTH AFRICAN GOVERNMENT ACCEPTED THAT THE ADMINISTRATION MUST BE IMPARTIAL AND

THAT THERE MUST BE NO INTIMIDATION FROM WHATEVER QUARTER. THE CONTACT GROUP STRESSED THAT ARRANGEMENTS WOULD HAVE TO BE MADE FOR THE UN SPECIAL REPRESENTATIVE TO SATISFY HIMSELF THAT THERE WAS NO INTIMIDATION BY THE POLICE AND THAT THE POLICE DID NOT INTERFERE IN THE ELECTORAL PROCESS.

20. IF ASKED ABOUT THE POSSIBILITY OF UN PEACE-KEEPING OR POLICE FORCES: THESE MATTERS WERE NOT RAISED.
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21. IF ASKED ABOUT WALVIS BAY:
THE CONTACT GROUP STATED THAT THIS WOULD CERTAINLY BE A MATTER OF CONTROVERSY. THE SOUTH AFRICAN GOVERNMENT RESTATED THEIR WELL-KNOWN POSITION THAT WALVIS BAY HAS BEEN AN INTERNATIONALLY RECOGNIZED PART OF THE UNION (LATER THE REPUBLIC) OF SOUTH AFRICA SINCE 1910, I.E., WELL BEFORE THE LEAGUE OF NATIONS MANDATE. THEY SAID THAT THEY INTENDED TO RESTORE THE ADMINISTRATIVE STATUS QUO AS IT EXISTED PRIOR TO 1922.

22. IF ASKED ABOUT SOUTH AFRICAN INVESTMENTS AND FINANCIAL COMMITMENTS IN THE TERRITORY:
THE SOUTH AFRICAN GOVERNMENT REFERRED TO THESE MATTERS. THE CONTACT GROUP SAID THAT IF THESE ISSUES WERE TO BE RAISED, THEY SHOULD BE SET OUT BY THE SOUTH AFRICAN GOVERNMENT IN DRAWING UP THEIR PLAN FOR A PHASED WITHDRAWAL: WITH REGARD TO THE MAINTENANCE OF PUBLIC SERVICES, THE CONTACT GROUP EXPRESSED THE HOPE THAT THE SOUTH AFRICAN GOVERNMENT WOULD CONTINUE TO LEND THEIR COOPERATION.

23. IF ASKED FOR A PIECE OF PAPER AS RECORD OF THE ORAL BRIEFING:
IT IS NOT POSSIBLE TO HAND OVER A PAPER NOW, PARTICULARLY SINCE THE MATTERS INVOLVING THE UN HAVE NOT YET BEEN EXAMINED WITH THE SECRETARY-GENERAL AND OTHERS. HOWEVER, A PAPER MAY BE AVAILABLE.

UNQUOTE
MCHENRY UNQUOTE VANCE

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<< END OF DOCUMENT >>

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